

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Maurice D'wan Smith,

Case No. 3:19-cv-2161

Petitioner

v.

MEMORANDUM OPINION AND  
ORDER

United States of America,

Respondent

*Pro se* Petitioner Maurice D'wan Smith, a federal prisoner, filed the above-captioned Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (Doc. 1).<sup>1</sup> Petitioner is presently serving a sentence at FCC Allenwood imposed as a result of a conviction in Northern District of Ohio Case No. 3:16-cr-348 ("Criminal Case").

In the instant § 2241 petition, Petitioner challenges the sentence imposed in the Criminal Case and asks that I vacate that sentence. (Doc. 1 at 8). Courts have uniformly held that federal prisoners seeking to challenge their convictions or imposition of their sentence must file petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2255 in the sentencing court. *See Shines v. Shartle*, No. 4:10CV1378, 2010 WL 3219297, at \*1 (N.D. Ohio Aug. 10, 2010) (citing *Bradshaw v. Story*, 86 F.3d 164, 166 (10th Cir. 1996)).

A petition for a writ of habeas corpus pursuant to § 2255 is pending in the Criminal Case. Accordingly, without reaching the merits of Petitioner's argument, I dismiss the instant Petition without prejudice.

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<sup>1</sup> Also before me is Petitioner's motion to proceed *in forma pauperis*. (Doc. 2). I grant the motion.

I further certify, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

So Ordered.

s/ Jeffrey J. Helmick  
United States District Judge